

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

CYNTHIA GALLETTY

PLAINTIFF

v.

Civil No. 07-5004

SYMBOL TECHNOLOGIES, INC.

DEFENDANT

**O R D E R**

Now on this 2<sup>nd</sup> day of May, 2007, defendant's **Motion to Vacate Plaintiff's Default Judgment (Doc. 10)** and plaintiff's **Response (Doc. 11)** thereto come on to be considered. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. Defendant was served with process in this case on February 2, 2007.

2. On March 29, 2007, the Clerk of the Court, upon plaintiff's motion, entered a default against the defendant, as defendant had not responded to the complaint. (Doc. 9.)

3. On April 16, 2007, defendant filed the motion now before the Court, urging the Court to vacate the default. As grounds therefore, defendant states that the failure to respond to the complaint was the result of a good faith mistake and inadvertence. Defendant explains, inter alia, that the complaint was inadvertently disregarded during the acquisition of its company by another corporation.

4. The Court finds that the defendant has shown good cause for setting aside the default. See Fed. R. Civ. P. 55(c). Accordingly, defendant's motion (Doc. 10) should be and hereby is **GRANTED**.

The clerk's default (Doc. 9) is hereby rescinded and set aside. The defendant shall have ten days from the date of this order to file a response to the complaint.

IT IS SO ORDERED.

/S/JIMM LARRY HENDREN  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE